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April 22, 2008

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VIA FACSIMILE & U.S. MAIL

The Honorable John Conyers, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

Re: *Professor John Choon Yoo*

Dear Chairman Conyers:

I write in response to your letter of April 8, 2008, inviting our client Professor John Choon Yoo, to testify at a hearing of the Committee on the Judiciary of the U.S. House of Representatives on May 6, 2008.

Professor Yoo respectfully declines your invitation to appear before the Committee. Professor Yoo is no longer a government official, and thus any questions that the Committee may have about current policies are outside his knowledge and are better directed to current officials in the Justice Department.

Moreover, as your letter notes, declassified memoranda or opinions that were written during Professor Yoo's service at the Department of Justice already address in detail the issues raised by your letter; those documents speak for themselves. To the extent the Committee wishes further to question Professor Yoo about the internal deliberative processes that led to the adoption of any governmental policies reflected in those documents, any such testimony would present difficult issues of executive privilege and attorney-client privilege. Indeed, we have been expressly advised by the Office of Legal Counsel of the United States Department of Justice that Professor Yoo is *not* authorized to discuss before your Committee any specific deliberative communications, including the substance of comments on opinions or policy questions, or the

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confidential predecisional advice, recommendations or other positions taken by individuals or entities of the Executive Branch.

Finally, as you may be aware, Professor Yoo is a defendant in pending litigation that challenges certain governmental actions taken during Professor Yoo's service in the Justice Department, including legal memoranda authored during Professor Yoo's service. Even if the Justice Department had not advised us that Professor Yoo may not discuss the Executive Branch's deliberative processes as noted above, it would not be appropriate for Professor Yoo to testify about his government service while this litigation remains pending.

Thank you very much for your consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John C. Millian", written in a cursive style.

John C. Millian

cc: Hon. Lamar S. Smith
Hon. Brian A. Benczkowski

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